

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-60701-CIV-DAMIAN/Valle

STEVEN B. AUBREY,

Plaintiff,

v.

JOHN D. FRY, BRIAN D. FILLINGIM,
and GLEN A. FITZMARTIN,

Defendants.

ORDER DENYING AS MOOT MOTION TO DISMISS [ECF NO. 15]

THIS CAUSE is before the Court on Defendant John D. Fry's Motion to Dismiss (the "Motion to Dismiss") [ECF No. 15], filed July 12, 2024.


Since the filing of the Motion to Dismiss, Plaintiff, Steven B. Aubrey, filed a First Amended Complaint [ECF No. 23], as was Plaintiff's right under Federal Rule of Civil Procedure 15. The filing of the First Amended Complaint supersedes the original complaint, and, thus, renders moot the Motion to Dismiss. *See Fritz v. Standard Sec. Life Ins. Co. of New York*, 676 F.2d 1356, 1358 (11th Cir. 1982). Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. Defendant John D. Fry's Motion to Dismiss [ECF No. 15] is **DENIED AS MOOT**.

2. Defendants, John D. Fry, Brian D. Fillingim, and Glen A. Fitzmartin, shall submit a single combined response or separate answers by **August 5, 2024**. Failure to comply with these procedures may result in sanctions, including the striking of the motion(s) or response(s).

DONE AND ORDERED in Chambers in the Southern District of Florida, this 29th day of July, 2024.



MELISSA DAMIAN
UNITED STATES DISTRICT JUDGE

cc: Counsel of record